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VIA FACSIMILE TO 703-872-9306

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	TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 97408.00032
	In re Application of: Edward L. Carver	
	Application No.: 09/198,004	
	Fled: 11/23/1998	•
	FOC APPARATUS AND METHOD FOR MIXING FLUIDS FOR ANALYSIS	
	The owner', <u>CDC Technologies, Inc.</u> of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>5.728.351</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so grented on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.	
	In making the above disclaimer, the owner does not disclaim the terminal part of the term of any provided extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 175 c patent is presently shortened by any terminal disclaimer,* in the event that said prior patent teter: expires for fature to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all calms canceled by a reexamination certificate; is reissued; or is now manner terminated prior to the expiration of its full statutory term as presently shorter.	of the prior patent, "es the term of said prior
	Check either box 1 or 2 below, if appropriate. 1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to ect on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the till made are punishabite by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.	
	2. The undereigned is an attorney or agent of record. Reg. 16 32,615	
	War 17. Teranatana	
	Signature	APRIL 11, 2005 Oate
	MARK D. GIARRATANA, ESQ. Typed or primed name	
04/14/2005 N	LAWRENC 00000001 501402 09198004	860-275-6719
01 FC:2814	65, 00 DA	Telephone Number
	Terminal dischairmer fee under 37 CFR 1.20(d) Included. \$65.00 for Small Entity	
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work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Occlet Number (Optional) TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING 97406.00032 **REJECTION OVER A "PRIOR" PATENT** In re Application of: Edward L. Carver Application No.: 09/198,004 Filed: 11/23/1998 For APPARATUS AND METHOD FOR MIXING FLUIDS FOR ANALYSIS The owner*, <u>CDC Technologies Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patient granted on the instant application which would extend beyond the optimal does of the full statutory term prior patient No. <u>6.812.032</u> as the term of seld prior patient is defined in 35 U.S.C. 154 and 173, and as the term of seld prior patient is presently shortened by any terminal disclaimer. The owner hereby agrees that any patient so granted on the instant application shall be enforceable only for and during such parted that it and the prior patient are commonly owned. This 100 percent interest in the instant application hereby disclaims, The owners, CDC Technologies, Inc. agreement rune with any patent granted on the Instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration dote of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent been expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination cartificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful tales statements and the tike so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an entomey or agent of record. Reg. No. 32,615 APRIL 11, 2005 Date MARK D. GIARRATANA, ESQ. Typed or printed name 860-275-6719 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) Included. \$65.00 for Small Entity WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. "Statement under 97 CFR 3.73(b) is required if terminal disclaimer is signed by the assignes (owner). Form PTO/S8/98 may be used for making this certification. See MPEP § 324.

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005 PAGE 7/7 * RCVD AT 4/11/2005 2:08:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:8697243397 * DURATION (mm-ss):02-34

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